



**CITY OF SCOTTSDALE  
McDOWELL SONORAN PRESERVE COMMISSION  
REGULAR MEETING**

**Thursday, April 5, 2012**

**Florence Ely Nelson Desert Park  
8950 E. Pinnacle Peak Road  
Scottsdale, AZ 85255**

**MINUTES**

**PRESENT:** James Heitel, Chairman  
Fred Klein, Vice Chairman  
Susan Wheeler, Commissioner  
Marg Nelssen, Commissioner  
Robert Frost, Commissioner  
Con Englehorn, Commissioner

**ABSENT:** Rand Hubbell, Commissioner

**STAFF:** Bill Murphy  
Kroy Ekblaw  
Claire Miller  
Robbin Schweitzer  
Scott Hamilton

**GUESTS:** Mike Nolan  
David Hay  
Jack McEnroe

**1. CALL TO ORDER**

Chairman Heitel called the meeting to order at 5:06 p.m.

**2. ROLL CALL**

Members present as noted above.

Mr. Ekblaw noted that a gift would be sent to Commissioner Hubbell in thanks and recognition of his service on the Commission.

**3. PUBLIC COMMENT**

No members of the public wished to speak.

**4. APPROVAL OF MINUTES**

Approval of the Regular Meeting minutes of March 1, 2012

Vice-Chair Klein said that he would have liked for more special use permit discussion points to have been included in the minutes. Mr. Ekblaw explained that the meetings are recorded and the audio made available online for anyone interested in an in-depth review of the meeting.

**COMMISSIONER FROST MOVED TO APPROVE THE MARCH 1, 2012, MCDOWELL SONORAN PRESERVE COMMISSION REGULAR MEETING MINUTES. SECONDED BY COMMISSIONER ENGLEHORN, THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER HUBBELL WAS ABSENT.**

**5. MCDOWELL SONORAN CONSERVANCY UPDATE**

Mr. Nolan thanked everyone who helped with the SB 1118 effort and mentioned that the City was again featured in an article in Sunset Magazine. He updated the Commission on Conservancy activities including volunteer statistics, the upcoming Arizona Game and Fish event, construction projects, and research programs. He extended an invitation to interested staff and Commissioners to attend the final steward retreat on Wednesday, April 11 at 5:30.

**7. COMMISSION BYLAWS**

Mr. Murphy distributed the final version of the bylaws, noting that they were inserted into the template put together by the City Attorney.

The Commission briefly discussed the regular meeting schedule as outlined in the bylaws.

**COMMISSIONER ENGLEHORN MOVED TO APPROVE THE MCDOWELL SONORAN PRESERVE COMMISSION BYLAWS AS PRESENTED. SECONDED BY COMMISSIONER FROST, THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER HUBBELL WAS ABSENT.**

## **7. SPECIAL USES**

Mr. Ekblaw reviewed the request for special use permits for activities of a competitive nature. Comments of the Conservancy and the McDowell Sonoran Preserve Commission to the Preserve Director will become part of the consideration of the request.

Discussion ensued regarding how far in advance of events the Commission will be given the opportunity for review and approval, the possibility of charging a use fee for events similar to those imposed by the City parks, and the current process and fees imposed on commercial users. The Commission requested that staff provide a general update on fees, including a history of past practices and fee collection opportunities.

**COMMISSIONER FROST MOVED TO APPROVE THE SPECIAL USES SECTION OF THE GUIDELINES. COMMISSIONER NELSEN SECONDED THE MOTION, WHICH CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER HUBBELL WAS ABSENT.**

## **8. MARCH 27, 2012 CITY COUNCIL DIRECTION**

### **A. Future Land Acquisition and Funding**

- **Cost/Benefit Analysis**
- **Survey of Citizens**
- **Use of Preserve Funds**

Mr. Ekblaw distributed a copy of the PowerPoint presentation given to Council by former Commission Chair Howard Myers. He noted that Council favorably reacted to the presentation and that there was a discussion on how to proceed. The general consensus of Council was to pursue a cost benefit analysis of the land acquisition versus not acquiring the land and the costs that would be associated with that land being developed and to use that information as part of a survey.

A meeting is scheduled for an internal staff meeting to start developing the scope, which would lead to being able to identify cost, process, and timeline for the cost benefit analysis and the citizen survey process. Mr. Ekblaw noted that the City Attorney opined that the survey itself could not be paid for out of the Preserve tax; however part of the cost benefits analysis might be eligible to use those funds. Other funding options and internal resources will be considered. Once a scope of work is developed the RFP process for finding a consultant will begin.

Commission members were given an opportunity to ask questions and make comments.

### **B. DDC Phase III Committee Recommendations and Work Program**

Mr. Ekblaw noted that Council gave staff direction to begin the RFP process to find a non-profit operator and approved limited sources from the Bed Tax. The operator will be responsible to look at private fundraising. He assured the Commission that any future direction for amendment of the ordinance would involve Commission input.

Discussion ensued regarding the process, the lack of opportunity for McDowell Sonoran Preserve Commission involvement, and changes recommended to the ordinance to create a set of restrictions for the DDC "bubble" that are separate and distinct from the Preserve.

## **9. STAFF REPORTS**

- **Land Acquisition**

Mr. Ekblaw thanked everyone for their attendance at the State meetings about SB1118 and talked about the importance of protecting those funds. The due diligence work on 4A, 4B, and 4C is being completed. Growing Smarter Applications are being worked on and will be presented to Council for authorization in May and June. Applications are due to the State by June 29, at which time the State Parks process begins, culminating in a targeted auction sometime in the fall.

Mr. Ekblaw reported on the progress of the SLUP.

Discussion ensued regarding land acquisition priorities for 2013 and the appraisal process.

- **Financial Report**

Mr. Ekblaw said that the Preserve tax numbers are improving and noted that the interest rate on the bonds for the lands just acquired was 2.87%, which is substantially lower than had been projected in previous years. He opined that there is more flexibility now than with the original projection of 62.5, which together with the fact that funds that were identified for further years out are becoming available gives the City more flexibility. The sales tax number is driving the improvement.

Mr. Murphy noted that the Preserve sales tax is being included as part of the budget five-year projections.

- **Commission Work Plan**

Mr. Hamilton distributed a draft trails map and discussed the process of updating draft plan for the north area that was initially created in 1999/2000 time frame. A preliminary discussion group met in December to discuss obvious changes that are required based on issues with acquiring land and changes in the areas around the perimeter of the Preserve. A questionnaire has been created and the goal is to get trails input from as many people as possible through the questionnaire, the website, and upcoming open houses. In tandem with the public process a solicitation for two trail builders will be issued. The goal is to start repairing trails sometime before the fall.

A meeting with Game and Fish is scheduled on April 11 to discuss changes they would like to see.

Discussion ensued regarding gates, parking, the County trail system, and cost sharing opportunities.

- **North Area Planning**
  - **Open Houses in April**
  - **Brown's Ranch Update**

Mr. Hamilton said that Brown's Ranch construction plans are complete and will be put out to bid in late April. He was hopeful that Council would approve the construction contract in time to start construction in July, with completion in April or May 2013.

- **Tom's Thumb Update**

Mr. Hamilton reported that work is in progress. Sometime in April the temporary parking will move into the overflow lot on the trailhead side, at which time people will have to come in off of 128th Street, allowing for the completion of construction on Paraiso by July. He noted that Council approved the construction contract for connecting trails around the trailhead as well as the Marcus Landslide trail, which should be completed by the end of June in time for the trailhead opening. Geological work is being done together with the Conservancy to develop programmatic elements, including signage at the Marcus Landslide trail.

- **Current Projects Update**

Ms. Miller said that with the availability of larger groups in the months of March and April, much of the focus has been on restoration projects in the 128th Street area.

Mr. Murphy noted that Ms. Miller and Ms. Schweitzer have been preparing to secure some of the boundaries that have been purchased and the Department of Corrections will be assisting. Mr. Ekblaw noted that he would bring back graphics delineating the priorities.

## **10. COMMISSIONER COMMENTS**

In response to a question by Commissioner Wheeler, Mr. Murphy said that there has been no further work on the history of the Preserve; however, it is still a priority on the work plan.

Commissioner Frost discussed his involvement when he was a staff member with the purchase of the first two sections of Preserve land, sections 24 and 25, which was originally slated to be a shooting range.

Chair Heitel requested that staff inquire with the City Attorney whether Preserve tax funds could be used for promotion of the Preserve.

## **11. AGENDA ITEMS FOR MAY 3, 2012**

**12.     ADJOURNMENT**

The meeting adjourned at 6:53 p.m.

Respectfully submitted,  
A/V Tronics, Inc. DBA AVTranz.